

To: McKaughan, Colleen[McKaughan.Colleen@epa.gov]
From: Don't Waste Arizona
Sent: Tue 1/17/2017 7:11:05 PM
Subject: Fw: Request Pursuant to ARS 39-121 to Review and/or Copy Public Records/documents related to Sumner statements under oath

From: Rachel Danley - AQDX
Sent: Tuesday, January 17, 2017 10:30 AM
To: 'Don't Waste Arizona'
Subject: RE: Request Pursuant to ARS 39-121 to Review and/or Copy Public Records/documents related to Sumner statements under oath

Good Morning,

The response to your records request, from Richard Sumner:

“My reference to PM10 emissions being “a statewide concern” is based on verbal communications between then the ADEQ Air Quality Director and the MCAQD Director that addressed 49-457(O) of Arizona Revised Statutes. MCAQD does not possess any written documentation regarding this conversation.

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Richard A. Sumner, P.E. • Permitting Division Manager

Maricopa County Air Quality Department

1001 N. Central Avenue, #125 | Phoenix, AZ 85004

Located at the Central Ave. & Roosevelt METRO stop

Desk: 602.506.1842

CleanAirMakeMore.com | Maricopa.gov/AQ “

Thank you,

Rachel Danley • Records Program Coordinator

Maricopa County Air Quality Department

Desk: 602.506.6201 | CleanAirMakeMore.com

Burn Cleaner, Burn Better. On No Burn Days, Don't Burn Wood.

From: Don't Waste Arizona [mailto:dwaz@fastq.com]

Sent: Thursday, January 05, 2017 10:44 AM

To: Records Request <RecordsRequest@mail.maricopa.gov>

Subject: Request Pursuant to ARS 39-121 to Review and/or Copy Public Records/documents related to Sumner statements under oath

Via Email to requestrecords@mail.maricopa.gov

January 5, 2017

To: Custodian of Records

Maricopa County Air Quality Department

1001 North Central Avenue

Phoenix, AZ

From: Steve Brittle

Don't Waste Arizona, Inc.

2934 West Northview Avenue

Phoenix, AZ 85051

Re: Request Pursuant to ARS 39-121 to Review and/or Copy Public Records/documents related to Sumner statements under oath

During the November 7, 2016, hearing before the Maricopa County Air Pollution Hearing Board, in the matter of Hickman's Egg Farm Permit Number 140062, under oath, Mr.

Sumner stated, when asked about why the MCAQD had applied "BFP to the Tonopah Egg Ranch", Mr. Sumner replied, "That is correct, because we have received guidance from the state that PM emissions are of a statewide concern, and that even though this may specifically list deregulated area here, that they have taken the interpretation that this is a statewide concern and therefore they are going to apply BMP's to all areas. Given the county rules that exempt normal farm cultural operations from PM-10 regulations, then neither us nor the state would be able to have any activity and so the state has taken that activity there."

Pursuant to ARS 39-121 *et seq*, DWAZ requests to review and/or copy all of the specific guidance documents from the state (ADEQ or any other entity) that Mr. Sumner referred to in his reply.

This ARS 39-121 request also includes all records electronic or written not legally determined to be confidential related to this request. If MCAQD claims confidentiality for any documents or public records, provide a list of such documents and the legal reason for its determination as confidential.

This is a non-commercial request.

Please honor this written request within a reasonable time. Contact DWAZ at smbrittle@yahoo.com or to confirm that the complete requested file is prepared and ready for review.

Failure to provide these public records within a reasonable time will result in appropriate legal action to gain access to these public records